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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,990	05/31/2001	Daniel Fishman	2857/105	4679
2101 7590 07/24/2009 Sunstein Kann Murphy & Timbers LLP 125 SUMMER STREET BOSTON, MA 02110-1618				
EXAMINER				
BONSHOCK, DENNIS G				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
07/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DANIEL FISHMAN

Appeal 2008-5223
Application 09/871,990
Technology Center 2100

Mailed: July 24, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*
SHAW, *Chief Appeals Administrator*.

ORDER DENYING REQUEST FOR ORAL HEARING

This application was electronically received at the Board of Patent Appeals and Interferences on July 29, 2008. A docketing notice was mailed and Appeal No. 2008-5223 was assigned on August 16, 2008. A review of the application has revealed that appellant filed a Reply Brief on January 31, 2007. On the Transmittal page of the Reply Brief, Appellant requested an Oral Hearing.

This Request for Oral Hearing was not filed in a separate paper, as required by 37 CFR §41.47(b). Since appellant's request for Oral Hearing was not filed in a separate paper, appellant's request for an Oral Hearing cannot be granted.

If Appellant still desires an Oral Hearing, a petition under 37 CFR §1.183 must be filed within two weeks of the mail date of this Order. Such a petition must include (1) a request to suspend the separate paper requirement of 37 CFR §41.47(a); (2) a showing of facts to establish that an extraordinary situation exists and that justice requires the separate paper requirement of 37 CFR §41.47(a) be suspended or waived; and (3) accompanied by the petition fee set forth in 37 CFR § 1.17(f) and the Oral Hearing fee as required by 37 CFR §41.20(b)(3). This two week time period for filing a petition under 37 CFR §1.183 is not extendable under 37 CFR §1.136(a). The failure to timely file a petition under 37 CFR §1.183 will result in the appeal being decided without an Oral Hearing. (i.e. on brief).

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

LAE

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618